

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO  
**VIOLATION OF SUPERVISION PROCEEDINGS**  
**MINUTE SHEET**

CR No:	19-3113-010 JB	USA vs.:	VALDEZ		
Date:	11/30/2023	Name of Deft:	Sergio Valdez		
Before the Honorable James O. Browning					
Time In/Out:	10:34 am – 11:17 am	Total Time in Court (for JS10):	43 Minutes		
Clerk:	L. Rotonda	Court Reporter:	J. Bean		
AUSA:	Elaine Ramirez	Defendant's Counsel:	Phillip Sapien (appointed)		
VSR in:	Albuquerque	Interpreter:	N/A		
Probation Officer:	Charlotte C de Baca	Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
<b>ADMISSION OR DENIAL OF PETITION'S ALLEGATIONS</b>					
x	Defendant sworn				
x	Court advises Defendant of his/her rights				
x	Court advises/confirms Defendant is aware of charges and possible penalty				
x	Defendant admits SC; MC dismissed by agreement of parties				
x	Court finds violations occurred				
x	Court proceeds to sentencing on violations				
<b>SENTENCE IMPOSED</b>		Imprisonment (BOP): 5 months			
Supervised Release:	30 months	Probation:			500-Hour Drug Program
<b>SPECIAL CONDITIONS OF SUPERVISION</b>					
	No re-entry without legal authorization		Home confinement for      months      days		
	Comply with ICE laws and regulation		Community service for      months      days		
X	Participate in/successfully complete substance abuse program	X	Reside halfway house      6      months		
	Participate in/successfully complete mental health program		Register as sex offender		
	Refrain from use/possession of alcohol/intoxicants		Participate in sex offender treatment program		
X	Submit to search of person/property		Possess no sexual material		
X	No contact with victim(s) and/or co-defendant(s)		No computer with access to online services		
	No entering or loitering near victim's residence		No contact with children under 18 years		
	Provide financial information		No volunteering where children supervised		
X	Waive right of confidentiality and allow the treatment provider to release treatment records		Restricted from occupation with access to children		
	No new credit charges		No loitering within 100 feet of school yards		
	Reside at/complete Residential Reentry Center		Consent to USPO conducting periodic exam of computer		
	Attend education/vocational training		Consent to USPO installing monitoring hardware		
X	Must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning, whether or not intended for human consumption.		No loitering within 100 feet of school yards		
X	Must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia, as defined in 21 U.S.C. 863(d).		If defendant is unemployed - Must participate in an educational or vocational services program and follow the rules and regulations of that program		
	OTHER: You must submit to substance abuse testing to determine if you have used a prohibited substance. Testing shall not exceed more than 70 test(s) per year. Testing may include urine testing, the wearing of a sweat patch, and/or any form of prohibited substance screening or testing. You must not attempt to obstruct or tamper with the substance abuse testing methods. You may be required to pay all, or a portion, of the costs of the testing.				
X	You must not use or possess alcohol. You may be required to submit to alcohol testing that may include urine testing, a remote alcohol testing system, and/or an alcohol monitoring technology program to determine if you have used alcohol. Testing shall not exceed more than 4 test(s)				

	<p>per day. You must not attempt to obstruct or tamper with the testing methods. You may be required to pay all, or a portion, of the costs of the testing.</p> <p>You must not communicate, or otherwise interact, with any known gang member without prior approval of the probation officer.</p> <p>You must participate in and successfully complete location monitoring for a period of 364 days in the location monitoring program with the Active Global Positioning Satellite (GPS) technology under the home detention component. You may be required to pay all, or a portion, of the costs of the program.</p> <p>You must participate in and successfully complete a community-based program which provides education and training in domestic violence prevention.</p> <p>You must participate in and successfully complete a community based program which provides education and training in parenting and children and family based services. The United States Probation Office will monitor your participation in the program.</p> <p>You must comply with a home visitation program approved by probation office for contact with the defendant's children.</p>		
X	Advised of Right to Appeal	X	Waived Appeal Rights per Plea Agreement
X	Remanded to custody of USM		Voluntary Surrender
	Recommended place(s) of incarceration:		
OTHER COMMENTS:		<p>Court calls case, counsel enter appearances. Court addresses Defendant, reviews underlying factual allegations related to violations of conditions of supervised release; Defendant confirms understanding of instant charges. USPO advises that revocation is not mandatory in present matter. Court reviews applicable sentencing parameters. Defense Counsel advises that Defendant intends to admit as to Standard Condition Defendant is alleged to have violated, cannot advise client to admit as to alleged violation of Mandatory Condition. Court queries USPO as to whether entering plea as to one violation would not change sentencing parameters, USPO confirms agreement with same. AUSA and USPO indicate agreement with proposed approach. Defendant sworn in. Court advises Defendant of rights. Defendant admits as to alleged violations, Defense Counsel concurs as to same. AUSA declines to present further factual basis as to alleged violations. Court accepts plea, finds that violation of supervised release has occurred. Defense Counsel addresses Court regarding requested sentence, requests higher custodial sentence and termination of supervised release. Defendant allocutes. AUSA addresses Court regarding government's position as to appropriate disposition of matter, indicates would be opposed to termination of supervision. Court queries USPO regarding position as to Defendant's request to discontinue supervision, USPO responds to Court's queries. Court states proposed sentence. Counsel confirm no further comment or argument. Court orders sentence imposed as stated.</p>	